

Express Mail No. _____

Attorney Docket No. MELV/02/119

DECLARATION, POWER OF ATTORNEY, AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HEART WALL ACTUATION DEVICE FOR THE NATURAL HEART

the specification of which (check one below):

() is attached hereto.

(✓) was filed on May 7, 2001 as Application Serial No. 09/850,554 or Express Mail No. ____, and was amended on ____ (if applicable).

() was filed on ____ as PCT International Application No. ____, and as amended under PCT Article 19 on ____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed?

_____	_____	_____	() Yes () No
(Number)	(Country)	Day/Month/Year Filed	
_____	_____	_____	() Yes () No
(Number)	(Country)	Day/Month/Year Filed	
_____	_____	_____	() Yes () No
(Number)	(Country)	Day/Month/Year Filed	

I hereby claim the benefit under Title 35, United States Code, §120 and/or §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>09/326,416</u>	<u>6/4/1999</u>	<u>Pending</u>
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)
<u>09/316,611</u>	<u>5/21/1999</u>	<u>Pending</u>
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)
<u>09/165,887</u>	<u>9/30/1998</u>	<u>Pending</u>
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)
<u>08/581,914</u>	<u>1/2/1996</u>	<u>Issued as Pat. No. 5,957,977</u>
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)

I hereby appoint John D. Poffenberger (R. No. 20,245), Bruce Tittel (R. No. 22,324), Donald F. Frei (R. No. 21,190), David J. Josephic (R. No. 22,849), A. Ralph Navaro, Jr. (R. No. 23,050), David S. Stallard (R. No. 25,930), J. Robert Chambers (R. No. 25,448), Gregory J. Lunn (R. No. 29,945), Kurt L. Grossman (R. No. 29,799), Clement H. Luken, Jr. (R. No. 32,742), Thomas J. Burger (R. No. 32,662), Gregory F. Ahrens (R. No. 32,957), Wayne L. Jacobs (R. No. 35,553), Kurt A. Summe (R. No. 36,023), Kevin G. Rooney (R. No. 36,330), Keith R. Haupt (R. No. 37,638), Theodore R. Remaklus (R. No. 38,754), Thomas W. Humphrey (R. No. 34,353), Scott A. Stinebruner (R. No. 38,323), Joseph R. Jordan (R. No. 25,686), C. Richard Eby (R. No. 25,854), David E. Pritchard (R. No. 38,273), David H. Brinkman (R. No. 40,532), J. Dwight Poffenberger, Jr. (R. No. 35,324), Beverly A. Lyman, Ph.D. (R. No. 41,961), Kristi L. Davidson (R. No. 44,643), P. Andrew Blatt, Ph.D. (R. No. 44,540), David E. Jefferies (R. No. 46,800), David E. Franklin (R. No. 39,194), William R. Allen, Ph.D. (R. No. P48,389), Thomas W. Flynn (R. No.

21,097), all of Wood, Herron & Evans, L.L.P., 2700 Carew Tower, 441 Vine Street, Cincinnati, OH 45202-2917, telephone no. (513) 241-2324, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Address all correspondence and telephone calls to

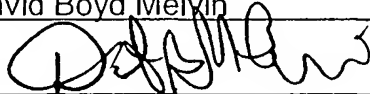
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Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Inventor David Boyd Melvin

Inventor's Signature



Date

27 Jul 01

Residence City/State Loveland, Ohio

Citizenship U.S.A.

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